

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KOANG GACH,

Plaintiff,

v.

GRANT LYONS, *et al.*,

Defendants.

CASE NO. C24-1285-JCC

ORDER

This matter comes before the Court on Defendant Grant Lyons's unopposed motion to dismiss (Dkt. No. 17). Having reviewed the motion and the relevant record, the Court finds good cause, and GRANTS the motion, as further described below.

Plaintiff filed a *pro se* § 1983 complaint on August 16, 2024, alleging that Defendant law enforcement officers violated his rights by using excessive force against him. (*See* Dkt. Nos. 1, 9 at 4–6.) Plaintiff's allegations are spare, but Plaintiff is specific as to one critical thing—the date of the events at issue: May 11, 2018. (Dkt. No. 9 at 6.) Defendant moved to dismiss under Rule 12(b)(6) on December 19, 2024, arguing Plaintiff's claims are barred by a three-year statute of limitations. (*See generally* Dkt. No. 17.) They provided Plaintiff notice the same day. (Dkt. No. 18.) It informed Plaintiff that he was entitled to respond and that the Court may consider failure to do so as an admission that the Defendant's motion has merit. (Dkt. No. 18 at 1–2) (*see also* LCR 7(b)(2)).

1 To note, in Washington, a plaintiff has three years to file a § 1983 action, from the time  
2 the plaintiff knew or should have known the factual basis for the claim. *See* RCW 4.16.080(2);  
3 *Gausvik v. Perez*, 392 F.3d 1006, 1009 (9th Cir. 2004); *see also Bagley v. CMC Real Est. Corp.*,  
4 923 F.2d 758, 760 (9th Cir. 1991) (applying RCW 4.16.080(2) statute of limitations to a § 1983  
5 action in Washington). Again, Plaintiff alleges the events here occurred and accrued May 11,  
6 2018. As Defendant observes, (Dkt. No. 17 at 2), Plaintiff did not file his complaint until more  
7 than six years later, well outside the statute of limitations.

8 Accordingly, Defendant's motion (Dkt. No. 17) is GRANTED. All claims against  
9 Defendant Lyons are dismissed with prejudice for failure to state a claim. The Clerk is directed  
10 to send a copy of this order to Plaintiff.

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12 DATED this 13th day of February 2025.

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A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE